

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Timothy M. O'Mara

v.

Case No. 08-cv-51-SM

Hillsborough County Department
of Corrections, Superintendent, et al.

O R D E R

After due consideration of the objection filed on October 30, 2008, I herewith approve the Reports and Recommendations of Magistrate Judge Muirhead dated July 17, 2008 and October 21, 2008, respectively. Plaintiff's complaint will proceed on the following claims:

- (1) Fourteenth Amendment claims arising from inhumane cell conditions against defendants O'Mara, Dionne, Brown and Menic;
- (2) Sixth and Fourteenth Amendment claims arising from interference with the right to attorney-client communications and the right to access the courts against defendants Norman, Beaudon, Pinciaro and Robbins;
- (3) Fourteenth Amendment due process claims arising from O'Mara's confinement in administrative segregation against defendants Raymond, McDougall, Scurry and Sawer;
- (4) related municipal liability claims against the Hillsborough County Department of corrections, and
- (5) Fourteenth Amendment claim premised upon the denial of out-of-cell and recreation time .

All other remaining claims are hereby dismissed. Plaintiff's motion to appoint counsel (document no. 3), motion to be released from administrative segregation (document no. 4), and motion for

transfer (document no. 7) are hereby denied.

In accordance with 28 U.S.C. § 636(b)(1)(B), Magistrate Judge James R. Muirhead, is designated to review the request for injunctive relief with regard to plaintiff's claims arising from his administrative segregation and, if necessary, conduct any hearing that may be set.

In accordance with subparagraph (C), the Magistrate Judge shall file his proposed findings and recommendations under subparagraph (B) with the Court, and a copy shall forthwith be mailed to all parties.

SO ORDERED.

November 24, 2008



Steven J. McAuliffe
Chief Judge

cc: Timothy M. O'Mara, pro se
John Curran, Esq.
Elizabeth Hurley, Esq.